

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ROBERT MENENDEZ,
NADINE MENENDEZ,
a/k/a "Nadine Arslanian,"
Wael Hana,
a/k/a "Will Hana," and
FRED DAIBES,

Defendants.

S4 23 Cr. 490 (SHS)

PROTECTIVE ORDER
WITH RESPECT TO CERTAIN
CLASSIFIED MATERIALS

This matter came before the Court on the Government's supplemental motion (the "Government's Supplemental Motion"), exhibits, and the declarations of Government officials, which were filed *ex parte*, *in camera*, and through the Classified Information Security Officer on April 15, 2024 (collectively, the "Government Submission").

The Government's Supplemental Motion sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act ("CIPA") and Rule 16(d)(1) of the Federal Rules of Criminal Procedure, regarding certain classified materials and/or information. *See* 18 U.S.C. App. 3, § 4. After *ex parte*, *in camera* consideration of the Government Submission, this Court finds:

1. The Government Submission contains and describes classified information that requires protection against unauthorized disclosure. That information is described with particularity in the Government Submission.

2. The head of the department(s) that has or have control of the classified information described in the Government Submission, after personal consideration, has or have lodged the state secrets privilege with respect to that classified information.

3. Disclosure of the Classified Materials, as defined in the Government's Supplemental Motion, to the defendants, defense counsel, or the public could reasonably be expected to harm national security.

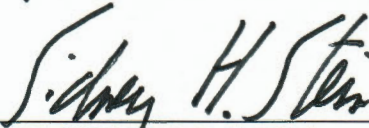
4. The Classified Materials are either not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, or Rule 16 of the Federal Rules of Criminal Procedure, or otherwise, and/or are not relevant and helpful to the defense, that is, useful to counter the Government's case or bolster a defense, as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Accordingly, it is:

ORDERED that the Government's Supplemental Motion is granted, and the Classified Materials, as defined in the Government's Supplemental Motion, and described herein, need not be disclosed to the defense; and it is further

ORDERED that the Government Submission is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer or his designee, in accordance with established court security procedures, until further order of this Court.

SO ORDERED this 17 day of April, 2024.



HON. SIDNEY H. STEIN
United States District Judge
Southern District of New York